

**REMARKS**

The present invention relates to an identifying marker attached as an identification target to a product or service provided by a client for identification of the product or service, including a particular planar arranged fibrous body made of an optical interference fiber comprising an alternate laminated body obtained by laminating layers of polymers having different refractive indexes and an alternating fashion, and having color difference anisotropy between P polarized light and S polarized light as set forth in independent claim 1.

In the Office Action of March 9, 2006, claims and 1 and 3 - 10 were rejected, and claims 11 and 13 - 28 were indicated as withdrawn from consideration. Further in the Office Action Summary, the Examiner indicated that the specification was objected to, but indicated acceptance of the drawings filed September 29, 2004. Acknowledgement of the cited art was indicated, with specific acknowledgement of consideration of the Information Disclosure Statements (IDSs) filed on September 29, 2004 and December 14, 2005.

At page 2 of the Office Action, the restriction and election requirement was made final, and the specification was objected to for lack of a brief description with respect to Figures 9 - 11 (in the Brief Description of the Drawings at page 9 of the specification).

At page 3 of the Office Action, claim 6 was rejected under 35 U.S.C. § 112, second paragraph as claiming a 3-component polymer layer formed in addition to the polymers forming

the alternate laminated body; but in view of the description in the specification, the Examiner indicated that further clarification was required.

At pages 4 - 5, claims 1, 3 - 5, and 8 - 9 were rejected under 35 U.S.C. § 102(b) or alternatively under 35 U.S.C. § 103(a) based on WO 98/46815 (Asano), with USP 6,430,348 cited as a translation document; at pages 6 - 7, claim 6 was rejected under § 103(a) based on Asano in view of US 2002/0016117 (Hamajima et al), claim 7 based on Asano in view of Hamajima et al further in view of USP 4,419,479 (Springer), and claim 10 based on Asano alone.

In response to the Office Action, first, Applicants have amended the specification herein to include a brief description of each of Figures 9, 10, and 11 in the Brief Description of the Drawings section of the application, based on the support provided in the drawings and by the description in the specification, e.g., at pages 33 - 35. No new matter issue is involved, and entry is respectfully submitted to be appropriate.

With respect to the rejection under 35 U.S.C. § 112, claim 6 has been amended herein to clarify the nature of the relationship of the 3-component polymer layer responsive to the Examiner's comments.

With respect to all of the prior art rejections, it is seen that both the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are based on the Asano reference. For the reasons described hereinbelow, it is respectfully submitted that Asano does not disclose or render

obvious all of the necessary features required in accordance with independent claim 1 of the present application, and therefore all of the rejections under 35 U.S.C. § 102(b) and §103(a) fail based on the deficiencies of the Asano reference *vis-à-vis* the presently claimed invention.

More specifically, Applicant notes that the present invention utilizes light having different refractive indexes of an interference fiber in an alternating fashion, because light have different indexes in an alternating fashion (i.e., optical anisotropy) only enables observation from the side direction (nx direction) as is seen from Figure 3 of the present application. Furthermore, in order to observe P polarized light or S polarized light from an optical interference fiber, in accordance with present claim 1, all of conditions 1 - 4 as described below are required.

Condition 1: a fiber comprises an alternate laminated body obtained by laminating layers of polymers with different refractive indexes in an alternating fashion.

Condition 2: the fibers have to be aggregated so as to be arranged parallel to the lengthwise direction of the oriented fiber aligned in a planar fashion, because random alignment of fibers would lose its optical anisotropic character (see line 36, page 13 to line 27, page 14, and also see line 16, page 31 to line 1, page 33 in the present specification).

Condition 3: discovery of P polarized light and S polarized light that the aggregated optical interference fibers have (see lines 11-27, page 14).

Condition 4: observation of P polarized light and S polarized light by using the polarizing plate (see line 5, page 32 to line 1, page 33).

In view of the foregoing, it is apparent that the mere existence of an optical interference fiber (which only satisfies Condition 1, but which does not satisfy Conditions 2 - 4) does not cause P polarized light and S polarized light, and a mere existence of a fiber aggregate such as non-woven fabric or embroidery yarn does not cause P polarized light and S polarized light lacking Conditions 2 - 4, especially considering the requirement for fiber alignment. In contrast, in the present invention all of Conditions 1 - 4 are satisfied.

Asano, on the other hand, fails to disclose the special technical features that are set forth in the present application in order to observe P polarized light and S polarized light. Asano only recognizes a fiber that comprises an alternate laminated body obtained by laminating layers of polymers with different refractive indexes (i.e., optical anisotropy) in an alternating fashion. Furthermore, Asano only indicates to concentrate on obtaining interacting light that is only observed from a top direction (nz direction, which is perpendicular to the flat plane of the laminating layer). See Figure 3 of the present application.

An interacting light (i.e., interference light between layers) in itself does not require the optical anisotropy as the present invention does, but Asano needs flatness of the fiber that has no concern with optical anisotropy. See, e.g., column 18, lines 57 - 63, column 19, line 58 to column 20, line 50, etc.).

In view of the foregoing, since even with Asano having an optical interference fiber there is no disclosure in Asano of observing P polarized light and S polarized light, the rejections based on Asano are technically flawed, and should be withdrawn. That is, Asano only recognized "Condition 1" of the foregoing four conditions, and did not disclose or render obvious, even considering the secondary references, the Conditions 2 - 4 required in accordance with the present invention.

Accordingly, it is respectfully submitted that the prior art rejections based on Asano under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) should now be withdrawn.

Therefore, it is apparent that mere existence of an optical interference fiber (which only satisfies Condition 1, but does not satisfy Conditions 2 - 4) does not cause P polarized light and S polarized light, and the mere existence of the fiber aggregate such as non-woven fabric or embroidery yam also does not cause P polarized light and S polarized light, because it lacks above-mentioned Conditions 2 - 4.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/509,596

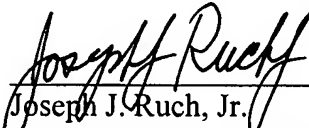
Attorney Docket No.: Q83591

In view of the above, reconsideration and allowance of claims 1 and 3 - 10 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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